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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,631

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P70793

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09/30/2009

EXAMINER

MAI, TRI M

ART UNIT

PAPER NUMBER

3781

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,631	Applicant(s) KING ET AL.	
	Examiner Tri M. Mai	Art Unit 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. Claims 1, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Worley (D431903) or Christodoulou et al. (5407112). Either Worley or Christodoulou teaches a case with pocket comprises an all sides accessible pocket (note the zipper provide a small hinge area on the bottom of pocket). Thus, the zipper in Worley or Christodoulou meets the claimed limitation that track defining almost all of the edges.

2. Claims 2, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Worley or Christodoulou rejection as set forth above, and further in view of Lin (6431334). It would have been obvious to one of ordinary skill in the art to provide a securing feature, i.e., a lock to provide added security.

3. Claims 3-4, and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Worley rejections, as set forth in paragraphs 1 or 2, and further in view of Lehmann et al. (D387198). It would have been obvious to one of ordinary skill in the art to provide wheels and a retractable handle as taught by Lehmann to enable one to transport the case easily.

4. Claims 1, 3, 5, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Geary (5944155), or in the alternative, under 35 U.S.C. 103(a) as being unpatentable over Geary in view of Fenton et al. (D485681). Geary teaches a case having pocket comprises an all-sides accessible pocket (the pocket is defined by the panel 82 in Fig. 3 and the wall having portion 88). Note the tapered portion at the pocket 42.

To the degree it is argued that Geary does not teach the tapered upper portion, Fenton teaches that it is known in the art to provide a tapered upper portion. It would have been obvious to one of ordinary skill in the art to provide a tapered upper portion as taught by Fenton to provide the desired shape for the luggage for stability.

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5. Claims 1, 3, 5, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Wu (6467594), or in the alternative, under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Fenton et al. (D485681). Wu teaches a case having pocket comprises an all-sides accessible pocket (the pocket is defined by bag 120 and the panel 110 Fig. 1). Note the tapered portion corner of the luggage.

To the degree it is argued that Wu does not teach the tapered upper portion, Fenton teaches that it is known in the art to provide a tapered upper portion. It would have been obvious to one of ordinary skill in the art to provide a tapered upper portion as taught by Fenton to provide the desired shape for the luggage for stability.

6. Claims 1, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by anticipated by Tucker (4081061). Tucker teaches a case having pocket comprises an all-sides accessible pocket (the pocket is defined by bag 122 and the panel 10 Fig. 12).

7. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Wu or Geary in view of Waddell et al. (5630521). It would have been obvious to one of ordinary skill in the art to provide the castor wheels in either Wu or Geary as taught by Waddell to navigate the container easily.

8. Claims 9 and 10 lack an inventive step under PCT Article 33(3) as being obvious over either Wu or Geary in view of Scicluna (5984154). It would have been obvious to one of ordinary skill in the art to provide the shoulder straps in either Wu or Geary as taught by Scicluna to provide another means for transporting the luggage.

9. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Lin (6431334). It would have been obvious to one of ordinary skill in the art to provide

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a securing device, i.e., the lock 19, in Wu as taught by Lin to secure the pocket.

10. Claims 1, 2, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (5083645) in view of Gehrie (2985265). Lee teaches a taper luggage with a pocket (the luggage compartment) with a closure at 27. Lee meets all claimed limitations except for the zipper track define almost all of the edges thereof. Gehrie teaches that it is known in the art to provide a closure with a zipper track define almost of the edges thereof. It would have been obvious to one of ordinary skill in the art to provide a zipper track define almost of the edges to provide an alternative closure for the pocket.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on M-F 6 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Tri M Mai/

Primary Examiner, Art Unit 3781